



City of Seattle

Gregory J. Nickels, Mayor

Department of Design, Construction and Land Use

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

Application Number: 2207607

Applicant Name: Mark Travers

Address of Proposal: 5121 S. Medley Street

SUMMARY OF PROPOSED ACTION

Master use permit for future use of an existing substandard access easement to a single family residential lot.

The following approval is required:

- **Variance** - To allow vehicle access easement to be less than the required width (required 20 feet, proposed 18 feet, Seattle Municipal Code Section 23.53.025C)

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading, or demolition,
or involving another agency with jurisdiction.

BACKGROUND DATA

Subject Site and Vicinity

The proposal is located in a Single Family 5000 zone. The proposed building site is an approximately 6,192 sq. ft. rectangular shaped parcel located on a private easement named S. Medley Court. Rainier Avenue South is approximately ½ block to the east. The parcel is currently improved with a garage accessory to the existing residence at 5115 S. Medley Court. The applicant has obtained a permit to establish a surface parking area at 5115 S. Medley Court

to replace the parking that would be removed by demolishing the garage (Subject to Field Inspection Permit (STFI) # 732567). There are no mapped or observed critical areas on the site.

The subject site is zoned Single-Family 5000 (SF 5000) as are most of the lots abutting the easement. Existing lots are developed with single family residences along the easement. The zoning changes to L-3 at the west end of S. Medley Court where the properties also abut Rainier Avenue South.

Existing Non-conformities

The existing access easement is nonconforming with respect to current Land Use Code requirements; existing width 18', required width 20'.

Proposal Description

The applicant proposes to construct a single family residence that would be served by this undersized easement. The access easement serves six dwelling units at this time. The Land Use Code requires that the access easements serving five but fewer than ten residences be paved and widened to 20'. Variance relief will be required to allow the applicant use of this easement without providing the required improvements.

Public Comment

The comment period ended January 29, 2003. One comment letter was received asking that a similar tree be replaced when the existing tree is removed during construction. A second comment (e-mail) expressed concerns about construction impacts to the paved surface of the access easement.

ANALYSIS - VARIANCE

Variances from the provisions or requirements of the Land Use Code shall be authorized only when all of the following facts and conditions are found to exist:

1. *Because of unusual conditions applicable to the subject property including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity; and*

This undersized access easement currently serves six residences, most of which were built in the 1920's. The subject lot, which exceeds minimum lot size requirements for the zone, was not created through a recent short plat and qualifies as a building site. Strict application of the Land Use Code would require that the easement be widened in order to develop the subject site, whereas existing residences have had the right to use this underdeveloped easement for many years. Therefore the strict application of the Land Use Code would deprive the applicant the rights and privileges enjoyed by other properties in this zone and vicinity.

2. *The requested variance does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located; and*

The requested variance does not go beyond the minimum necessary to afford relief because it would provide access to an existing parcel in the same manner as other residences are currently served. This easement is currently 18' wide and should be able to accommodate one additional single family residence. Additionally, no new parcels will be served by the existing easement.

3. *The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located; and*

The increase in traffic will be minimal as one single family residence is proposed for the site. The Institute for Transportation Engineers Manual estimates a single family residence generates, on average, ten vehicle trips per day. This would not be considered a large number of trips therefore would not be materially detrimental to the property or improvements in the zone or vicinity.

4. *The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue hardship or practical difficulties; and*

The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would require the applicant to widen the easement roadway. The adjacent property owners have been able to use this easement for many years without such improvements. Requiring the applicant to widen the easement to construct one single family residence on an existing building lot would cause undue hardship.

5. *The requested variance would be consistent with the spirit and purpose of the Land Use Code regulations for the area.*

The purpose of the Land Use Code is to protect and promote public health, safety and the general welfare through a set of regulations and procedures for the use of land. Procedures are established to increase citizen awareness of land use activities and their impacts and to coordinate necessary review processes. These provisions are designed to provide adequate light, air, access, and open space.

The spirit and purpose of the Land Use Code provides for preservation of the character of single-family neighborhoods and for housing opportunities. The proposed use of the existing undersized easement would allow for construction of a single family residence on the lot which would be within the spirit and purpose of the Land Use Code.

DECISION - VARIANCE

The proposed action is **CONDITIONALLY GRANTED**

CONDITIONS - VARIANCE

Prior to Issuance of Master Use Permit

1. Provide a copy of the **finaled** Subject to Field Inspection permit #732567, to establish parking accessory to 5115 S. Medley Court.

Prior to Issuance of Building Permit

2. Include in the building plans a sprinkler system as required by the Fire Department letter dated March 13, 2003 (Plan review #16553).

Signature: (signature on file) Date: March 27, 2003

Lori Swallow, Land Use Planner

Department of Design, Construction and Land Use

Land Use Division